

# NEW FRONTIERS IN EDUCATION AND LOCAL GOVERNMENT

THE FINAL REPORT  
OF THE 2013-2014  
EDUCATION AND LOCAL GOVERNMENT  
INTERIM COMMITTEE



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Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the Education and Local Government Interim Committee, like most other interim committees, serve one 20-month term. Members who are re-elected to the Legislature may serve again on an interim committee.

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## INTRODUCTION AND OVERVIEW

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If the Education and Local Government Interim Committee inherently has a lot of ground to cover, from kindergarten to college, from cities to “skeeter” districts, the 2013-2014 interim provided even greater territory for the adventurous to explore.

The bulk of this territorial expansion resulted from the committee’s assignment of House Joint Resolution No. 2 (HJR 2), a study investigating electronic records management by state and local government. The committee quickly learned that every level of government is generating an exponentially increasing volume of records due to changes in technology, and that the management of these records is a daunting yet crucial task.

The scope of the public education system was also enlarged, as the committee looked into early childhood education, as well as at links to career and entrepreneurial preparation.

Education generally was a focal point, and the committee examined a number of issues:

- the process for adoption and amendment of K-12 accreditation standards, including the adoption of the Montana Common Core Standards;
- the authorization of a school funding study as required by statute;
- the status of shared policy goal documents for K-12, K-20, and the Montana University System; and
- digital learning and its potential for enhancing education across the state.

The committee attended to its agency oversight responsibilities by establishing a rotation of updates and Q&A follow-ups with the Office of Public Instruction, the Board of Public Education, and the Office of the Commissioner of Higher Education.

Local government representatives participated in the HJR 2 study and also presented to the committee about continuing impacts to counties and communities in eastern Montana resulting from oil and gas development.

Although the committee approved just two bills for introduction in the 2015 legislative session, members engaged with numerous stakeholders and subject matter experts in examining complex issues that will likely garner further attention when the 64th Legislature convenes.

This report is a summary of the committee's activities for the 2013-2014 interim and is intended as a reference guide to be primarily accessed and used electronically. Links are provided to allow quick and easy access to relevant meetings and documents rather than duplicating content at additional cost and use of resources. Additionally, all committee, subcommittee, and work group meetings were recorded, and these recordings, as well as meeting agendas, minute logs, and meeting materials, can be found via the Montana Legislature's website at <http://leg.mt.gov>. If you have any difficulty locating materials, please contact the committee's staff at the Legislative Services Division for assistance.



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## GENERAL STATUTORY DUTIES

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The Education and Local Government Interim Committee's enabling statute, [5-5-224, MCA](#), provides a long list of duties that can be generalized into two broad categories: (1) monitoring of executive branch agencies; and (2) acting as a liaison with the Board of Regents of Higher Education, school districts, and local governments. The agencies that ELG monitors are:

- the Board of Education;
- the Board of Public Education;
- the Board of Regents of Higher Education; and
- the Office of Public Instruction.

Additionally, ELG monitors the following entities attached to the Board of Education:

- the Montana Historical Society;
- the Montana State Library; and
- the Montana Arts Council.

To fulfill its duty to monitor executive branch agencies, the committee established, as part of its work plan, a rotation between the Office of Public Instruction (OPI), the Board of Public Education (BPE), and the Office of the Commissioner of Higher Education (OCHE) so that at each ELG meeting, one of these agencies would provide an update to the committee and an opportunity for questions and discussion to follow. Committee staff also informed members when and where the various boards were meeting so that members could consider attending. The Historical Society, State Library, and Arts Council each presented to the committee during the interim. The committee established a standing agenda item for administrative rule review, and the committee staff attorney provided [reviews and summaries of proposed rules](#). The committee also reviewed agency-proposed legislation at its [June 2014 meeting](#), authorizing the drafting of [five bills for the Office of Public Instruction](#).

The committee acted as liaison by welcoming public comment on any matter within the committee's jurisdiction at each of its meetings, by convening a panel of school district representatives at its [February 2014 meeting](#), and by requesting information about continuing impacts of oil and gas development in eastern Montana at its [June 2014 meeting](#). The [Subcommittee on Shared Policy Goals for Education](#) also provided a venue for in-depth discussions on education matters with OPI, BPE, and OCHE.

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## EDUCATION ISSUES

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If there was one education issue dominating national attention in 2013-2014, it was the **Common Core State Standards**, and the bulk of public comment ELG received was on this issue. As in several other states, questions were raised about the cost of implementation as well as the process by which these standards were adopted. Following public testimony at its first meeting of the interim, the committee directed staff to review how this adoption process played out and report back. Staff did so at the committee's [September 2013 meeting](#) and pointed out that the statute requiring fiscal analysis ([20-7-101, MCA](#)) of any changes to accreditation standards is somewhat problematic itself and can lead to confusion and misunderstanding. The [report](#) concluded that although the process by which the Montana Common Core Standards were adopted was not perfect, it would be difficult to establish that it was conducted in violation of the statute as written.

**The committee scrutinized the process by which the Montana Common Core Standards were adopted.**

As the committee continued to hear public testimony regarding the standards, the question was raised of how much money the 2013 Legislature appropriated for the implementation costs. The Legislative Fiscal Division was tasked with calculating this figure based on language in [Senate Bill No. 175](#) (SB 175) and [reported back to the committee at its February 2014 meeting](#) that approximately \$26 million was provided for the 2015 biennium for the purpose of implementing changes to the Administrative Rules of Montana made during 2012 and 2013, which included the adoption of the Montana Common Core Standards.

The committee considered making changes to the process of adoption or amendment of accreditation standards. Ultimately, however, the committee made no bill draft request to do so after acknowledging the rather touchy nature regarding constitutional authority over the basic system of elementary and secondary schools.

A second education issue garnering national attention was **early childhood education**. Nationally, this interest resulted from President Obama's emphasis on this topic in his State of the Union Address and in his budget proposals to Congress. Similarly in Montana, the state's chief executive, Governor Bullock, has made it clear that early childhood education is a top priority of his administration. To increase members' understanding of the topic, the committee heard presentations on early childhood brain development research and policy considerations at its [February 2014 meeting](#).

**The committee examined research and policy related to early childhood education in anticipation of Governor Bullock's proposal for universal voluntary preschool for 4 year olds.**

In May 2014, Governor Bullock announced his intention to propose universal voluntary preschool for 4-year-olds, and in June the governor's education policy advisor visited with the committee about the proposal. Following the discussion, committee members acknowledged other questions they had regarding the proposal. The questions focused on the overall cost of the proposal, the funding mechanism, and possible impacts on existing private preschool providers.

In July 2014, Superintendent of Public Instruction Denise Juneau recommended to the Board of Public Education new preschool accreditation standards to be incorporated into Title 10, Chapter 63, of the Administrative Rules of Montana. In keeping with the process for adoption of accreditation standards already discussed at length in relation to the Montana Common Core Standards (see earlier), BPE notified the committee that it would be considering adoption of these standards, and OPI provided cost assumptions to inform the required fiscal analysis.

At the [September 2014 ELG meeting](#), following a review of administrative rule activity and discussion of the proposed preschool accreditation standards, the committee voted 6-5 to adopt a [resolution](#) opposing the new standards as proposed. The committee also requested that a fiscal analysis be conducted by LFD of the proposed standards.

**The committee passed a resolution opposing the adoption of proposed preschool accreditation standards and requested a fiscal analysis.**

One recommendation of the 2011-2012 ELG was for future ELG committees to undertake a more thorough review of the **shared policy goals** and accountability measures for Montana's education systems (SPGs for short). The SPGs were drafted following legislative resolutions in the 2009 session as a way of "advancing interagency cooperation and the quality of education policymaking" and consist of three documents: one for the K-12 system, another for the Montana University System (MUS), and the third encompassing K-20.

Following discussion at its first two meetings, the committee decided in December 2013 to form the [Subcommittee on Shared Policy Goals for Education](#). The subcommittee met on three occasions at times adjacent to regular ELG meetings to reduce cost. A [report](#) documenting the subcommittee's work and recommendations was prepared for the full ELG as well as revised SPG documents for MUS and K-20 (the Superintendent of Public Instruction did not want to pursue K-12 shared policy goals this interim). At its final meeting in September 2014, ELG voted to accept the report and endorse the documents, which were signed by Sen. Facey and Rep. Jones as ELG chair and vice chair respectively.

**Education shared policy goal documents first established during the 2009-2010 interim were revised and reaffirmed by the committee.**

The committee held two panel discussions to explore the topic of **digital learning** and its role in education. At its [June 2014 meeting](#), committee staff provided an overview and identified policy considerations related to digital learning, and representatives from the Office of Public Instruction and the Montana Digital Academy shared their perspectives. The committee convened a second panel at its [final meeting in September 2014](#) composed of K-12 practitioners and higher education instructional technologists. There was consensus among the presenters that professional development is crucial for the effective use of digital learning tools.

**The committee held two panel discussions on digital learning.**

As a result of **school funding** litigation in the mid-2000s, the 2005 Legislature passed Senate Bill No. 152, which defined the “basic system of free quality public elementary and secondary schools” and required that at least every 10 years the Legislature “authorize a study to reassess the educational needs and costs related to the basic system of free quality public elementary and secondary schools.” The 2013 Legislature considered a [bill](#) to conduct this study and fulfill this statutory requirement, but the bill died in process. At its [April 2014](#) meeting, ELG considered options and requested a bill draft to authorize this study. In [June](#), the committee reviewed the draft and requested minor changes as well as a more substantial change to include a list of suggested topics to be included in the study. The committee considered different options of the bill draft at its final meeting in [September 2014](#) but did not recommend legislation to the 64th Legislature.

**The committee considered several versions of a bill draft authorizing a study of school funding but took no action.**

The committee tracked a number of other education topics during the 2013-2014 interim:

- The progress and status of the **Montana Indian Languages Preservation Pilot Program** created in [Senate Bill No. 342](#) (2013) were reported to the committee in [December 2013](#) and [September 2014](#) by the State-Tribal Economic Development Commission staff.
- A [review of charter school legislation](#) considered by the 63rd Montana Legislature was provided by committee staff in [December 2013](#).
- The committee received a [summary](#) of a [Legislative Audit Division report on school transportation](#) issues at its [December 2013](#) meeting and considered alternatives for addressing the school transportation cost reimbursement schedule in [April 2014](#).
- The Office of Public Instruction provided updates on the **K-12 Data Task Force** created in SB 175 (2013) in [December 2013](#) and [June 2014](#).

- Members of the **Montana Council on Educational Opportunity for Military Children** reported to the committee in [June 2014](#).
- Representatives of the various school district caucuses (classified by size: AA, A, B, C, etc.) of the Montana School Boards Association presented to the committee in [February 2014](#) on the impacts of SB 175 (2013) and other issues facing schools.

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## LOCAL GOVERNMENT ISSUES

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As part of its work plan, the committee asked for information about the ongoing impacts on local governments of oil and gas development in eastern Montana. Committee staff worked with the Montana Association of Counties (MACo) and the Montana

**The committee heard testimony regarding impacts and mitigation efforts related to oil and gas development.**

League of Cities and Towns (the League) to gather information on these impacts as well as on current and proposed efforts at mitigating these impacts. The executive directors of MACo and the League shared this information at the [June 2014 meeting](#), and several county commissioners also provided testimony. Impacts on roads and burdens on the criminal justice system were both points of emphasis. The committee also heard from the director of the Montana Department of Commerce about Governor Bullock's [Eastern Montana Impact and Infrastructure Project](#), as well as from Legislative Fiscal Division analysts about efforts being discussed by the Legislative Finance Committee aimed at supporting local governments statewide, whether impacts were resulting from economic "boom" or "bust."

An issue related to the use and funding of "all-hazard incident management teams" was brought forward at the [June 2014 meeting](#) by representatives from Montana's emergency response community. Although these teams have been created by the Montana State

**The committee approved a bill draft allowing funding for "all-hazard incident management teams."**

Emergency Response Commission, their deployment has been limited by the lack of a funding mechanism for incidents that exceed local management capabilities but fall short of requiring disaster declarations. Following discussion, the committee directed staff to work with the representatives further and bring possible solutions back to the committee for consideration. A [bill draft](#) addressing this issue was presented to the committee at its [September 2014 meeting](#) and was approved unanimously. The committee bill can now be tracked as [LC 406](#).

When reminded of its various statutory duties at the committee's organizational meeting in June 2013, members questioned the relevance of section [82-2-701, MCA](#), which establishes the sand and gravel deposit program and requires reporting to ELG when investigations of sand and gravel deposits are conducted by the Bureau of Mines and Geology. The committee requested an explanation of the program during the interim, and the director of the bureau presented to the committee at its [February 2014 meeting](#), explaining how the program has been functioning.

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## HJR 2 ELECTRONIC RECORDS MANAGEMENT

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[House Joint Resolution No. 2 \(2013\)](#) requested the Legislative Council to assign to an appropriate interim committee a study of electronic records management by state and local government. This study was assigned to ELG and was addressed at each of the committee's meetings of the interim. At the [September 2013 meeting](#), committee staff, along with representatives from the Office of the Secretary of State, the State Archives, and the State Information Technology Services Division, provided background information on the topic. Following this presentation, the committee directed staff to assemble a work group of "any and all" interested parties to contribute to the study and report back to the committee. Committee staff invited the participation of representatives of all branches of state government and state agencies, as well as associations representing local governments, and in October 2013, the HJR 2 Work Group convened for the first time. The work group met monthly through March 2014 and was joined beginning in January by two members of ELG appointed by the ELG chairman, Sen. Tom Facey: Reps. Jean Price and Don Jones. Work group meetings were recorded, and a separate [HJR 2 web page](#) was created with links to meeting audio and video, summaries, and other materials.

**The committee sanctioned a work group to contribute to the study of electronic records management.**

The HJR 2 Work Group made a [final report](#) of its findings and recommendations to the committee at the [April 2014 meeting](#). The report contains full descriptions and rationales of each finding and corresponding recommendations. Broadly, the work group found the following:

1. Improved electronic records management will require a long-term, collaborative effort between the records management and information technology communities.
2. Records management needs to be a higher priority generally.
3. Montana's public records statutes need to be clarified.
4. Electronic records management improvements will require adequate funding.
5. State and local government need more guidance on electronic records management.
6. Montana needs a way to archive electronic records of permanent value.

The committee accepted the report and directed staff to draft two bills reflecting the work group recommendations. The shorter of the two drafts was a [simple appropriation bill](#) to the Montana Historical Society for the contracting with a consultant to develop a digital archives plan. This draft addressed finding #6 above. Following discussions of the necessity of a digital archives, the role of consultants, and different funding mechanisms at both the June and September 2014 meetings, this bill draft failed to win committee approval, on a 6-5 vote.

The larger bill draft was for an ambitious reorganization of Montana's public records laws, which one work group member compared to "an old cabin that has been added on to over the years and become a dysfunctional hodgepodge." The bill draft would repeal all of Title 2, chapter 6, MCA, and reassemble clarified statutes in a new chapter. The review of this draft occupied a great deal of the committee's time and energy at the June and September 2014 meetings, and the draft was revised significantly. Public comment was heard from representatives of local governments and the Montana Newspaper Association. Much of the discussion and amending centered on balancing access and privacy concerns, creating a fee structure that government entities may charge for information requests, and distinguishing whether all persons or just Montana citizens should be able to request copies of public information. The committee acknowledged that the draft would require more attention and likely amendment during the legislative process but felt the effort was worth moving forward and approved it unanimously. The committee bill can now be tracked as [LC 448](#).

**The committee approved a bill draft revising Montana's public records laws.**





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